GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps Department – Surprise check over the O/o Sub Registrar, Movva on 25-8-2011 by Anti Corruption Bureau – certain irregularities reported - Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District – Placed on his defense before Tribunal for Disciplinary Proceedings –Inquiry Report received – Disciplinary proceedings concluded – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1125 **Dated:03-11-2017**

Read the following:

1.DG, ACB Lr.Rc.No.28/DES-VKI/2011-S.9, dt:15-3-2013.
2.Govt.,Memo.No.10602/Vig.VI(1)/2013-1, dt:20-5-2013.
3.DG,ACB,Lr.Rc.No.28/DES-VKI/2011-S.9,dt:10-10-2013.
4.Govt.,Memo.No.10602/Vig.VI(1)/2013-2,dt:27-11-2013.
5.Tribunal for Disciplinary Proceedings, AP., Hyd., Lr.Dis.No.S/ 5/2016, dt:5-10-2016 along with Report in TEC.No.685/2013.
6.Govt.,Memo.No.10602/Vig.II(1)/2013-3,dt:28-11-2016.
7.DIG,R&S,Vijayawada Lr.No.E1/739/2011, dt:11-1-2017 along with representation of Sri M.Srinivasa Rao, SR, dt:4-1-2017 received on 19-1-2017.
8.Govt., Memo.No.10602/Vig.II(1)/2013-5, dt:19-4-2017.
9.D&IG, R&S Lr.No.Vig.3/15487/2011, dt:14-6-2017 along with dated acknowledgement of the SCN served on the CO Sri M.Srinivasa Rao, former SR, SRO, Movva, Krishna District.
10.Govt., Lr.No.10602/Vig.II(1)/2013-7, dt:25-9-2017.
11.APPSC Lr.No.748/DC&C/1/2017, Dt.20-10-2017.

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O R D E R:

Whereas, in the reference 1st read above, it was brought to the notice of the Government that on credible information that the Officials of Sub Registrar Office, Movva, Krishna District and staff were collecting excess amount / bribes from the members of public who approach them for registration of documents and other official favours, the Anti-Corruption Bureau conducted surprise check over the O/o Sub Registrar, Movva, Krishna District on 25-08-2011, and found certain irregularities.

2. The Director General, Anti Corruption Bureau while furnishing the surprise check report has recommended for departmental action for major penalty against Sri M.Srinivasa Rao, Sub Registrar, Movva, under Rule 3 (1) & (2), 9 (8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964 for violation of Memo.No.X2/10708/94, dt:30-12-1997 and Memo.No.X1/3945/07, dt:2-5-2007 of Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad on the following allegations:

i) That Sri M.Srinivasa Rao, Sub Registrar, Movva engaged and allowed document writers Sri Chaladi Venkata Ramana, Batlapenumarthi Venkata Ramana Sesha Sai and forms filling person Kanikelli Nagaraju to collect excess amounts /bribes on his behalf from the members of public who approach him for registration of documents and other official favours. On the direction of Suspected Officer Sri Chaladi Venkata Ramana, Document writer has collected an amount of Rs.20,700/- on the day of surprise check on 25-8-2011 from the members of public as illegal gratification and paid to Suspected Officer Sri Batlapenumarthi Venkata Ramana, another Document writer has

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collected an amount of Rs.1,000/- on the day of surprise check on 25-8-2011 from the members of public as illegal gratification. Sri Kanikelli Nagaraju, forms filling person was given an amount of Rs.1,200/- by the Suspected Officer with instructions to keep the same with him for safe custody on the date of surprise check.

ii) That during the surprise check on 25-8-2011, Sri M.Srinivasa Rao, Sub Registrar, Movva, Krishna District was found with an unaccounted cash of Rs.20,700/- in his left side wooden table drawyer on the raised podium, in the presence of which could not be explained.

iii) That during the surprise check on 25-8-2011, the Sub Registrar Sri M.Srinivasa Rao was found in possession of Rs.40/- excess cash i.e., Rs.240/- rather than the declared amount of Rs.200/- in personal cash Register for which the Sub Registrar could not account properly.

3. Government after careful examination of the matter have entrusted the case to the Tribunal for Disciplinary Proceedings duly placing the Accused Officer on his defense before the Tribunal for Disciplinary Proceedings for conducting regular enquiry and to submit the enquiry report to Government vide reference 2nd read above. In the reference 3rd read above, the Director General, Anti Corruption Bureau has furnished the Part-B notes in respect of the above Accused Officer and the same has been sent to the Tribunal for Disciplinary Proceedings in the reference 4th read above for taking necessary action in the matter.

4. Whereas, in the reference 5th read above, the Secretary, Tribunal for Disciplinary Proceedings has furnished the report in TEC.No.685/2013 on the file of Chairman, Tribunal for Disciplinary Proceedings. The Tribunal for Disciplinary Proceedings based on the analysis and evidence adduced during the enquiry has held that the prosecution has proved all the charges 1 to 3 levelled against the Charged Officer Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District (now under dismissal from service due to conviction by the Anti Corruption Bureau Court in another Anti-Corruption Bureau trap case of corruption).

5. Government have examined the matter and communicated the Inquiring Authority report of the Tribunal for Disciplinary Proceedings, to the Charged Officer for submitting his representation if any on the findings of Inquiring Authority vide the reference 6th read above.

6. In the reference 7th read above, the Charged Officer has submitted representation stating mainly among others that the prosecution has not filed any record to prove that he has collected bribe amounts from the document writers or other public and stated that unfortunately the Hon'ble Chairman for Tribunal for Disciplinary Proceedings has not appreciated the evidence on record and he has considered the evidence of PWs-5 & 6 though there was no corroborative evidence and stated that the Hon'ble Chairman erred in his report in coming to a conclusion that he is guilty of the charges. He has further stated that the Hon'ble chairman wrongly came to a conclusion without considering the evidence of PW's 1 to 4 though they are independent witnesses and stated that in their evidence PW-1 Ch.Ramana, B.V.Sai and K.Nagaraju categorically deposed that they were present on the date of surprise check i.e., 25.08.2011 and Anti Corruption Bureau Officials seized amounts from their respective possessions and nothing was recovered from him i.e., Charged Officer. The Charged Officer has stated that Hon'ble Chairman has not considered the evidence of PW 1 to 4 without giving any reasonable explanation in his report.

7. The Charged Officer has further stated that the Hon'ble chairman mainly concentrated on Ex-P-4 slip which contains the hand writings of PW-1 and only mere mentioning the designation of Charged Officer on the said

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slip came to conclusion that the writings on the said slip were might have belongs to bribe details and stated that for a while if he is in the habit of collecting bribe amounts from the document writers at the rate 0.6% on the face value of the document, he ought to have collect about Rs.30,000/- on that date as he has registered ten documents and stated that whereas, as alleged by the prosecution that they have seized only Rs.20,700/- from his left side table drawer. He has further stated that PW-6 has not tried to examine the general public who were very much present at the time of surprise check and he was not examined any other document writers to know the real facts. The Charged Officer has stated that this crucial point was not discussed in the report of Tribunal for Disciplinary Proceedings.

8. Regarding charge-III, the Charged Officer has stated that the prosecution examined PW-3 Nagaraju and he clearly stated in his evidence that he is running a tea stall in Movva center and on 25.08.2011 the Charged Officer had a cup of coffee and paid him Rs.50/- as he is not having change of Rs.40/-, he informed the Charged Officer that he will pay the change of Rs.40/- later and accordingly in the evening on the same day he paid Rs.40/- to the Charged Officer and therefore the Charged Officer is not able to enter the said amount of Rs.40/- and stated that non mentioning of a meager amount of Rs.40/- is not an offence and stated that to prove this charge, the prosecution has not examined any other witness except PW-3 and stated that he has not supported the case of prosecution. From all the above, the Charged Officer has stated that it is clear that Hon'ble Chairman wrongly came to a conclusion that the Charged Officer found guilty of all the charges and therefore the said report of the Hon'ble chairman cannot be taken into consideration as it is not maintainable. With the above, the Charged Officer Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District has requested the Government to drop the charges leveled against him.

9. Government have examined the matter and observed that the charge-I is regarding collection of bribes on his behalf by appointing private person, charge-II regarding an unaccounted amount of Rs.20,700/- found in the left side wooden table drawer of the Charged Officer and charge-III regarding excess Rs.40/- found in his possession of the Charged Officer rather than the declared amount of Rs.200/-. The Inquiring Authority i.e., the Tribunal for Disciplinary Proceedings held all the three charges held proved against the Charged Officer after examining the above contentions raised by him.

10. Government after careful examination of the matter in detail have provisionally decided to impose a punishment of withholding of five annual grade increments with cumulative effect against Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District (now under dismissal in another Anti Corruption Bureau trap case) and issued show cause notice on the Charged Officer vide reference 8th read above, directing him to submit his further representation if any in the matter within 15 days from the date of receipt of the memo vide reference 8th read above.

11. Whereas, in the reference 9th read above, the Director & Inspector General, Registration & Stamps has furnished only the dated acknowledgement of the show cause notice served on the charged officer. Though the Charged Officer received the show cause notice on 17-5-2017 he did not submit any representation in reply to show cause notice and the prescribed time limit of 15 days, which was elapsed by 1-6-2017.

12. Government after careful examination of the matter have decided to confirm the provisional decision i.e., to impose a punishment of withholding of five annual grade increments with cumulative effect against Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District. Government further observed that Sri M.Srinivasa Rao, Sub Registrar was

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dismissed from service vide G.O.Ms.No.86, Revenue (Vigilance-II) Department, dated:27-2-2017 in view of his conviction by the Special Judge for Special Police Establishment & Anti Corruption Bureau Cases, Vijayawada dt: 27.12.2016 in CC.No.26/2008 in Anti Corruption Bureau Trap case. It is therefore decided to issue orders imposing the above penalty duly making a mention in the orders that the said penalty could not be implemented, and consulted the Andhra Pradesh Public Service Commission.

13. The Andhra Pradesh Public Service Commission in the reference 11th read above, have agreed with the proposal of the Government. (copy enclosed to the Charged Officer)

14. Therefore, Government, hereby order to impose a punishment of withholding of five annual grade increments with cumulative effect against Sri M.Srinivasa Rao, former Sub Registrar, Movva, Krishna District (under dismissal from service). The said penalty could not be implemented against the individual as he was dismissed from service due to his conviction by the Special Judge for Special Police Establishment & Anti-Corruption Bureau Cases, Vijayawada dt:27.12.2016 in CC.No.26/2008 in Anti-Corruption Bureau Trap case.

15. The Director & Inspector General (Registration & Stamps), Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada, Krishna District.
The Individual (**through** the Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada with a request to serve the order on the Charged Officer and furnish the served copy along with dated acknowledgement to Government for record).
Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat, Velagapudi, Guntur District.
The Director General, Anti Corruption Bureau, Andhra Pradesh, P.N.Bus Station, II Floor, N.T.R.Administrative Block, Vijayawada.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Deputy Inspector General, Registration & Stamps, Vijayawada.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER